

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,                     :  
  
    Plaintiff,   :  
  
V.   :     CASE NO. 3:09-CV-1749 (RNC)  
  
ROBERT BONNANO,   :  
  
    Defendant.   :

RULING AND ORDER

This is a student loan case. The Government has moved for summary judgment and the defendant has failed to respond. For the reasons that follow, the motion for summary judgment is granted.

Summary judgment may be granted if no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986). When a motion for summary judgment is unopposed, it is still necessary to review the record to determine whether the moving party has met its burden of showing that summary judgment is proper. See Amaker v. Foley, 274 F.3d 677, 681 (2d Cir. 2001). In the absence of opposition, the moving party's factual assertions are accepted as true if they are adequately supported by the record. See D. Conn. L. Civ. R. 56(a)(1).

In student loan cases, summary judgment is appropriate if the evidence shows that the defendant "signed promissory notes, received loans pursuant to these notes, and defaulted on [his]

payment obligations." United States v. Mullaney, No. 3:09-CV-1748 (JCH), 2010 WL 4681251, at \*1 (D. Conn. Nov. 5, 2010); see also Proctor v. U, S. Dep't of Educ., 196 F. App'x 345, 347-48 (6th Cir. 2006). The requisite showing has been made here.

The Government's submissions show the following. In November 1996, the defendant signed a promissory note for a loan from the United States Department of Education in the principal amount of \$18,444. Proceeds from this loan were disbursed to him in December 1996 and January 1997. In November 1997, he signed a promissory note for another student loan in the principal amount of \$12,850. Proceeds from this loan were disbursed to him in December 1997 and January 1998. Both loans have been declared in default. As of September 19, 2009, the defendant owed the Government \$31,294 in principal, plus \$25,145.32 in interest, for a total debt of \$56,439.32. As of September 27, 2010, the debt totaled \$59,315.37, with interest continuing to accrue in the amount of \$4.85 per day.

The defendant's answer to the complaint contains a general denial of the Government's allegations. But the factual assertions set forth by the Government in support of the motion for summary judgment have not been controverted. Those assertions are adequately supported by documents in the record and are therefore deemed admitted under Local Rule 56(a)(1). As a result, the Government has sustained its burden of

demonstrating that summary judgment is proper.

Accordingly, the motion for summary judgment (doc. 13) is hereby granted in the absence of opposition.

So ordered this 26th day of January 2011.

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/s/ RNC

Robert N. Chatigny  
United States District Judge